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and Klaus Tschira Stiftung gGmbH*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11
	:	
LEHMAN BROTHERS HOLDINGS INC., <i>et al.</i> ,	:	Case No. 08-13555 (JMP)
	:	
Debtors.	:	(Jointly Administered)
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**DECLARATION OF GEORGE A. ZIMMERMAN IN SUPPORT OF ORDER TO SHOW  
CAUSE ON CONSENT TO SHORTEN NOTICE PERIOD FOR THE MOTION OF DR. H.C.  
TSCHIRA BETEILIGUNGS GMBH & CO. KG AND KLAUS TSCHIRA STIFTUNG  
GGMBH TO WITHDRAW CLAIM NUMBERS 32395 AND 22671 PURSUANT TO RULE  
3006 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

I, George A. Zimmerman, being fully sworn, hereby declare, under penalty of perjury,  
that the following is true to the best of my knowledge, information, and belief:

1. I am an attorney admitted to practice before this Court and a partner of Skadden, Arps,  
Slate, Meagher & Flom LLP, attorneys for Dr. H.C. Tschira Beteiligungs GmbH & Co. KG  
("KG") and Klaus Tschira Stiftung gGmbH ("KTS") and together with KG, the "Tschira Entities")  
in the above-referenced Chapter 11 cases. Unless otherwise indicated, I have knowledge of the  
facts set forth herein.

2. I submit this declaration in support of the Order to Show Cause On Consent ("Order to Show Cause") in connection with the *Motion of Dr. H.C. Tschira Beteiligungs GmbH & Co. KG and Klaus Tschira Stiftung gGmbH to Withdraw Claim Numbers 32395 and 22671 pursuant to Rule 3006 of the Federal Rules of Bankruptcy Procedure* (the "Motion"), all as more fully described in the Motion. Counsel for the Debtors ("LBHI") has agreed to this request to expedite.

3. By way of background, the Tschira Entities filed proofs of claims in connection with a guarantee by LBHI of certain debts owed to the Tschira Entities by LBHI's Swiss affiliate, Lehman Brothers Finance, S.A. Netherlands Antilles Branch ("LBF") under certain terminated ISDA Agreements. The Tschira Entities and LBF are currently litigating their rights and obligations under the ISDA Agreements in Switzerland (the "Swiss Proceedings").

4. On April 15, 2013, LBHI filed its Supplemental Four Hundred Second Omnibus Objection to Claims 32395 and 22671 (No Liability Derivatives Claims) [Docket # 36569] (the "Objection"). Pursuant to the Objection, LBHI requested that the Court "(i) disallow and expunge claim numbers 32395 and 22671 and (ii) award such further relief as the Court deems just and proper." (Objection at 9.)

5. On June 5, 2013, the Tschira Entities filed the Response of Dr. H.C. Tschira Beteiligungs GmbH & Co. KG and Klaus Tschira Stiftung gGmbH to LBHI's Four Hundred Second Omnibus Objection to Claims (No Liability Derivatives Claims) [Docket # 37755] (the "Response"). In the Response, the Tschira Entities requested that proceedings in connection with the Objection be stayed or adjourned during the pendency of the Swiss Proceedings. In the alternative, the Tschira Entities requested that the Objection be overruled.

6. On June 11, 2013, LBHI filed its Reply in Further Support of Four Hundred Second Omnibus Objection to Claims 32395 and 22671 (No Liability Derivatives Claims) [Docket #

37860] (the “Reply”). In the Reply, LBHI argued that the Objection should not be stayed and again asked that the Court “(i) disallow and expunge claim number 32395 and 22671 and (ii) award such further relief as the Court deems just and proper.” (Reply at 18.)

7. On June 13, 2013, the Court held a hearing in connection with the Objection. During the hearing, the Court declined to stay the proceedings, and declined to disallow and expunge the claims.

8. The court also directed the parties to agree on a schedule that would allow for an expedited hearing on the Objections in advance of September 30, 2013.

9. Following the hearing, the parties discussed an appropriate expedited schedule. During these discussions, LBHI indicated its intention to litigate issues that the Tschira Entities believe are unnecessary to the Bankruptcy Code Section 562 determination before the Court, and the resolution of which potentially could undermine the Tschira Entities’ position in the Swiss Proceedings. To avoid the possibility of such an adverse impact on their claims in the Swiss Proceedings, the Tschira Entities determined to withdraw the Claims here.

10. Cause exists to shorten the notice period ordinarily required for the Motion. Briefing and deciding this Motion on an expedited basis will save time and substantial resources. The Tschira Entities are seeking to withdraw their Claims. The parties have agreed that if the Motion is heard on shortened notice, then the pre-hearing schedule will be put on hold pending resolution of the Motion. If the Motion is granted, there would be no need to engage in all of the attendant expedited pre-hearing discovery and legal briefing that otherwise would need to be completed by the deadline set by the Court.

11. Conversely, LBHI has indicated that if the Motion is not heard on shortened notice, it will take the position that the parties need to work towards the September 30, 2013 deadline and

complete discovery, expert reports and briefing in a very short time period, resulting in substantial wasted resources if the Motion is ultimately granted and the Claims withdrawn (as we submit is likely to be the case). Accordingly, the Tschira Entities believe it is appropriate that the Motion be considered by the Court on an expedited basis to avoid these potentially unnecessary efforts.

12. For the foregoing reasons, the Tschira Entities respectfully request that the Court enter the Order to Show Cause to shorten the notice period for the Motion, so that objections are to be received by July 24, 2013 at 12:00 pm (Prevailing Eastern Time), and the reply to the objections is to be received by July 26, 2013 at 5:00 pm (Prevailing Eastern Time).

13. No previous application for similar relief has been made with respect to the Motion.

Dated: July 18, 2013  
New York, New York

/s/ George A. Zimmerman  
George A. Zimmerman